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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

TO: Planning Commission  
FROM: Leonard F. Mansell, Planner III  
DATE: March 23, 2006

SUBJECT: General Plan Conformity Report for the abandonment of a portion of Avila Beach Drive right of way next to the golf course on the North side of the road across from Cave Landing Road. Also included is the acquisition of additional ROW for the Bob Jones Bikeway.

(RECOMMEND RECEIVE AND FILE)

This is to advise the Planning Commission that the San Luis Obispo Department of Planning and Building has acted on the above referenced request for general plan conformity review. Attached is a copy of the staff report for your information.

On the date of determination referenced in the attached staff report, the Department of Planning and Building found the proposed road abandonment in conformity with the applicable provisions of the general plan.



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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

*Promoting the wise use of land  
Helping build great communities*

<b>DETERMINATION DATE</b> March 23, 2006	<b>CONTACT/PHONE</b> Leonard F. Mansell 781-5199	<b>APPLICANT</b> Rossi Living Trust	<b>FILE NO.</b> SUB2005-00006
<b>SUBJECT</b> Determination of conformity with the General Plan for the abandonment of a portion of Avila Beach Drive right of way next to the golf course on the North side of the road across from Cave Landing Road. Also included is the acquisition of additional ROW for the Bob Jones Bikeway.			
<b>RECOMMENDED ACTION</b> Receive and file the determination that the proposed abandonment and acquisition are in conformity with the County General Plan			
<b>ENVIRONMENTAL DETERMINATION</b> Not required for general plan conformity reports			
<b>LANDUSE CATEGORY</b> Recreation	<b>COMBINING DESIGNATION</b> Flood Hazard Geologic Study Area	<b>ASSESSOR PARCEL NUMBERS</b> 076-201-062, 076-181-033, 076-181-039	<b>SUPERVISOR DISTRICT (S)</b> 3
<b>PLANNING AREA STANDARDS:</b> Recreation, #1 through #6 / San Luis Bay Estates # 4			
<b>EXISTING USES:</b> Open Space/ Golf Course			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Recreation /Golf Course      East: Recreation /Golf Course South: Open Space      West: Recreation /Golf Course			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Avila Valley Advisory Council and County Parks Department			
<b>TOPOGRAPHY:</b> Flat to gently rolling		<b>VEGETATION:</b> Urban Landscape	
<b>PROPOSED SERVICES:</b> Water supply: N/A Sewage Disposal: N/A Fire Protection: County Fire Department		<b>ACCEPTANCE DATE:</b> June 22, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242			

## PROJECT DESCRIPTION

The proposal is for the County to abandon a portion of the Avila Beach Drive right of way next to the golf course on the North side of the road across from Cave Landing Road. Also included is the acquisition of additional ROW for the Bob Jones Bikeway. The request is for the County to make a determination of whether or not the abandonment and acquisition is consistent with the General Plan.

Currently the Bob Jones Bike Trail intersects Avila Beach Drive at a very awkward point along Avila Beach Drive that does not lend itself to the safety of the users of the bike path. The existing sight distance for both the users of the bike trail and the drivers along Avila Beach Drive is poor. This creates an unsafe situation for both the users of the bike trail and drivers.

The owner of the golf course proposes to trade a portion of property to the County to be used for the bike path in exchange for the abandonment of a portion of County right of way property along San Luis Bay Drive to the golf course. All parties involved with this proposal are working together to implement this trade. With the Bob Jones Bike Trail becoming more of a reality and the proposed extension going from San Luis Obispo to Avila Beach, the increased use of this facility will require much more safety, especially where the bike trail crosses Avila Beach Drive.

## GENERAL PLAN CONFORMITY

When the county receives a request for the disposal of real property, in the form of public right-of-way or private easement, within the unincorporated area, the proposal must be evaluated for consistency with the County General Plan before the action is authorized. Pursuant to Government Code section 65100, the Planning Department is authorized to prepare and issue conformity reports that are required by Government Code section 65402. This conformity report is being prepared because this project requires a determination of conformity with the county general plan.

The determination of conformity is to be based on the County General Plan, goals, policies, programs, standards, and ordinances, including the maps and text contained therein. Factors that are listed in the Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.
2. The project is consistent with the goals, objectives and policies of the Land Use Element, and any other applicable General Plan Element.

The abandonment of this right-of-way/easement, together with the proposed acquisition in another location, meet the factors as set forth in the Land Use Element as enumerated above.

Generally, the abandonment of a right-of-way does not extinguish rights of properties that have legally established easements over the right-of-way. These properties maintain their private easement rights. Abandonment does, however, take the right-of-way out of the public domain and return it to the private use and development by adjacent owners. The Board of Supervisors can retain public circulation in an abandoned right-of-way for purposes of slope easements, trails or equestrian trails.

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## PROCESS

The road abandonment process proceeds to the Board of Supervisors via a public hearing process after the findings of conformity with the General Plan are made. The project is introduced as a proposed "intent to abandon a road" and then is scheduled no sooner than four weeks after introduction as a full public hearing before the Board of Supervisors. Mailed notice is given to all properties that have direct access to the road proposed for abandonment. Typically, road abandonment proposals are exempt from environmental review. However, each proposal is evaluated individually.

## OTHER AGENCY COMMENTS

The Avila Advisory Council provided the following comments:

### **Avila Valley Advisory Council Minutes of November 14, 2005 Meeting**

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#### **4.1 Bob Jones Bike Trail MUP**

#### **Tim Smith/Public Works**

[tsmith@co.slo.ca.us](mailto:tsmith@co.slo.ca.us) The end of the Bob Jones trail is now is dumping out in a really dangerous area, proposal to exchange easements to extend the bikeway path parallel to Avila Beach drive. This involves an exchange of real property transfer, abandonment, agreements and finally the ultimate transfer. This is a tricky process, all the agencies and parts are working together to make this happen. The project/exchange has actually been in the works for over 10 years and came here to AVAC last year when we supported the process. Tim is here to answer any questions about the actual process, in essence they are just displacing an easement from one area to another, they take one back and give back another. Avila Beach resorts have always owned this property. Jan Di Leo commented that the EIR would look at the impact of traffic and other issues when looking at the whole conversion/abandonment process. Jan commented that when you look at value for value, the size of the property that the golf course is getting is smaller than the property that he is giving, and the golf course has to make some major modifications that will be quite expensive and Mr. Rossi is willing to do this on his own, actually move a hole, and a lot of other re-arranging the current layout. Karla asked about the safety of the path, concerning trees and tree roots. Jan feels that all of that will be resolved in the environmental report. Motion to support this project, conceptually put on the table by Sherri Gooding. John seconded this motion. The motion was voted with all in favor except for Anne who voted nay.

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### SUMMARY EVALUATION

Table A					
Guidelines for Evaluating General Plan Conformity					
Review Category		Conformity			Comments
A. Is the project consistent with the Conformity Criteria from Framework for Planning?		Yes	Maybe	No	
1	Relationship to Adopted Plans	X			
2	Consistent with the Land Use Element and Local Coastal Program	X			
	Project Designed Consistent to the CZLUO Standards	X			
4	Sale or Abandonment of Public Property or ROW will not interfere with development of public sites identified in the General Plan	X			
B. Is the project/proposal consistent with existing adopted General Plan Elements?		Yes	Maybe	No	
1	Countywide General Plan policies			N/A	
2.	LCP Policy Document	X			
3	Ch 2-Coastal Access	X			Access will be enhanced
4	Pol 1 Protection of Exist Access	X			Access will be safer on major road
5	Pol 4-Provision for Support Facilities	X			
6	Pol 8-Min. Conflicts between Adj Uses			N/A	
7	Ch 3 – Recreation & Visitor Serving				County maintains bike trail
8	Pol 1-Recreational Opportunities	X			
9	Pol 2-Priority for Visitor Serving Uses	X			
10	Coastal Zone Framework for Planning				
11	Ch 1-Goals	X			Will not significantly reduce circulation or parking
12	Ch 5-Circulation	X			
13	Purpose & Character Statements			N/A	
14	Allowable Uses – Table 'O'			N/A	
15	San Luis Bay local Coastal Plan				Avila Beach Dr. is the only access for Avila Beach and Diablo Canyon.
16	Circulation Programs				Various means of transportation are discussed
17	Land Use Programs			N/A	
18	Applicable Standards			N/A	
C. Does the project/proposal comply with the following?		Yes	Maybe	No	
1	Avoids secondary impacts on neighborhood			N/A	
2	Furthers Smart Growth Principles?	X			Bikeway will be enhanced.
3	Promotes good design?			N/A	
4	Avoid Adverse Environmental Impacts?	X			
5	Does it preserve Prime Soils for Ag?			N/A	
6	Will retain existing vegetation?	X			
7.	Avoid excessive land disturbances?	X			
8	Feasible considering existing hazards?	X			
9	Is compatible with existing character of neighborhood?	X			
D. Other Planning Considerations		Yes	Maybe	No	Proposal referred to Advisory Council (AVAC).
1	Will the proposal <b>further</b> stated community objectives?	X			
2	Will the proposal <b>avoid conflicts</b> with stated community objectives?	X			
3	Does the Community Advisory Council support the proposal?	X			Avila Advisory Council supports the proposal.
4	Is the proposal supported by other agencies with jurisdiction?	X			County Parks Department

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## **DETERMINATION AND FINDINGS**

The proposed abandonment and acquisition shown on Attachment 2 - Exhibits A1 & A2, are in conformity with the County General Plan based on the following findings:

- A. The proposed abandonment and acquisition are in conformance with the Land Use Element because this right-of-way providing ingress/egress is not needed for local circulation. County Public Works has retained adequate right of way for current and future circulation. The concurrent acquisition of additional ROW for the Bob Jones Bikeway will enhance the safety of the facility.
- B. The proposals do not conflict with other elements of the County General Plan. Avila Beach Drive is designated a Collector Road in the Circulation Element, and the full 80' right of way is not needed. The acquisition of more ROW for the Bob Jones Bikeway enhances access as encouraged by the County General Plan and Local Coastal Program

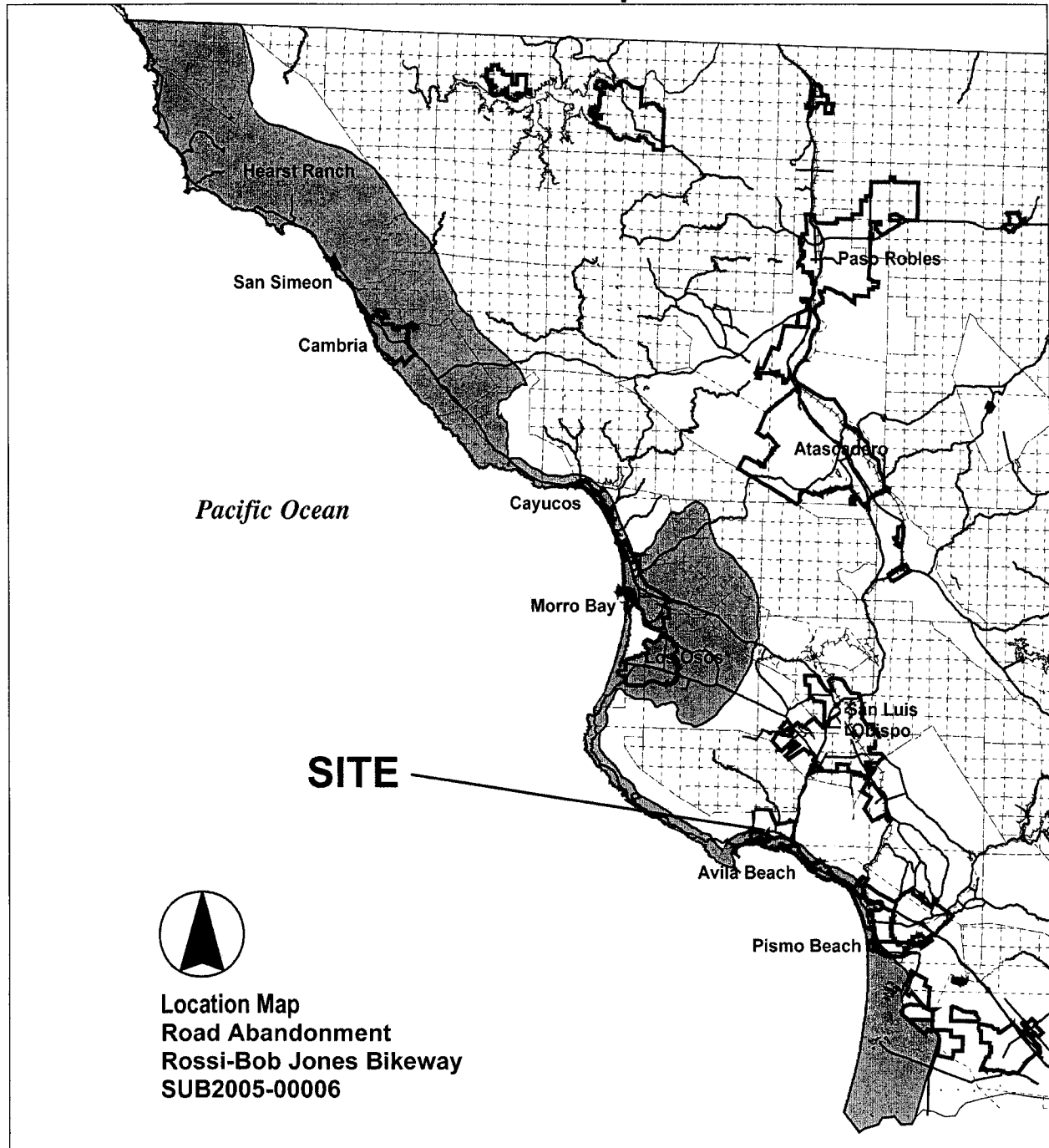
Report Prepared by Leonard Mansell, Planner III, and approved by John Hofschroer, Senior Planner, Information Services Group, Department of Planning and Building.

## **ATTACHMENTS**

- 1. Location Map
- 2. Site Plan of Abandonment Request-Exhibits A-1 & A-2
- 3. Land Use Category Map
- 4. Aerial Photo

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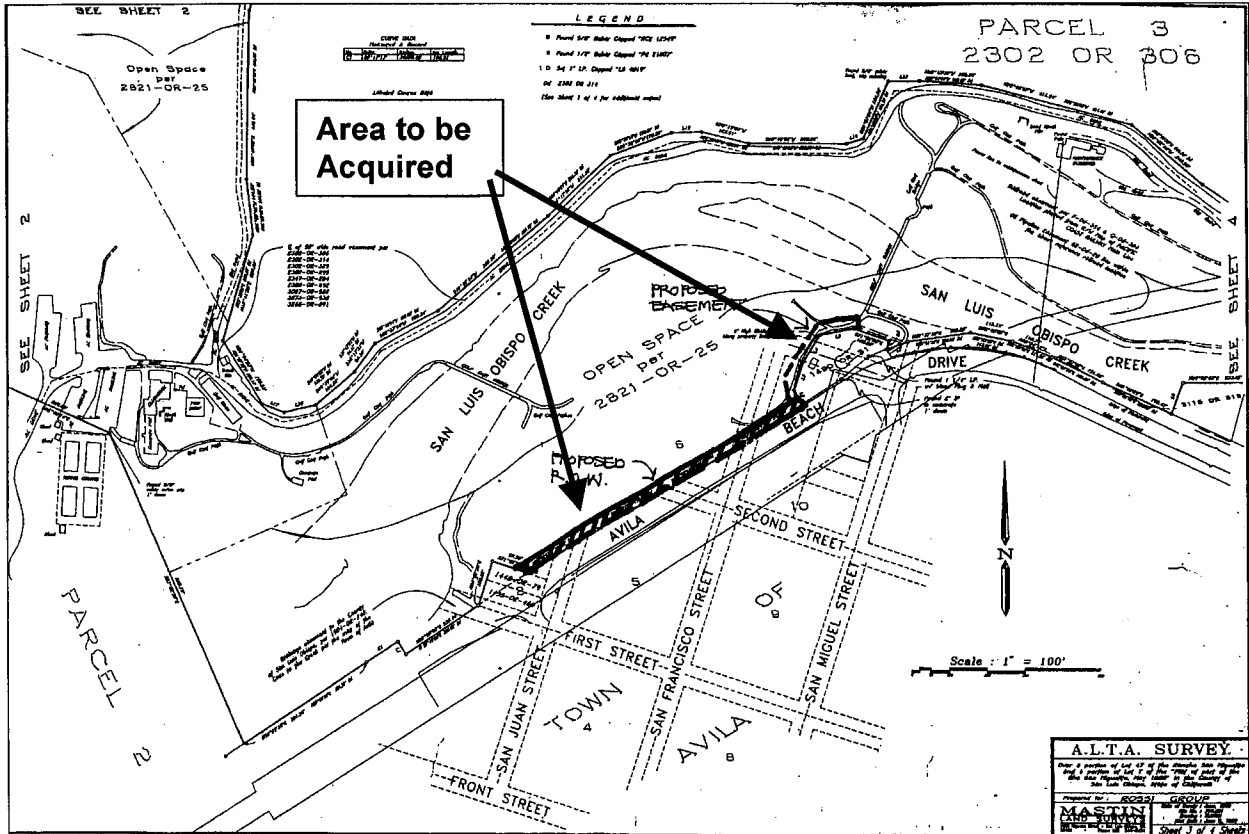
## Attachment 1 Location Map



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## Attachment 2 Site Plan of Abandonment Request

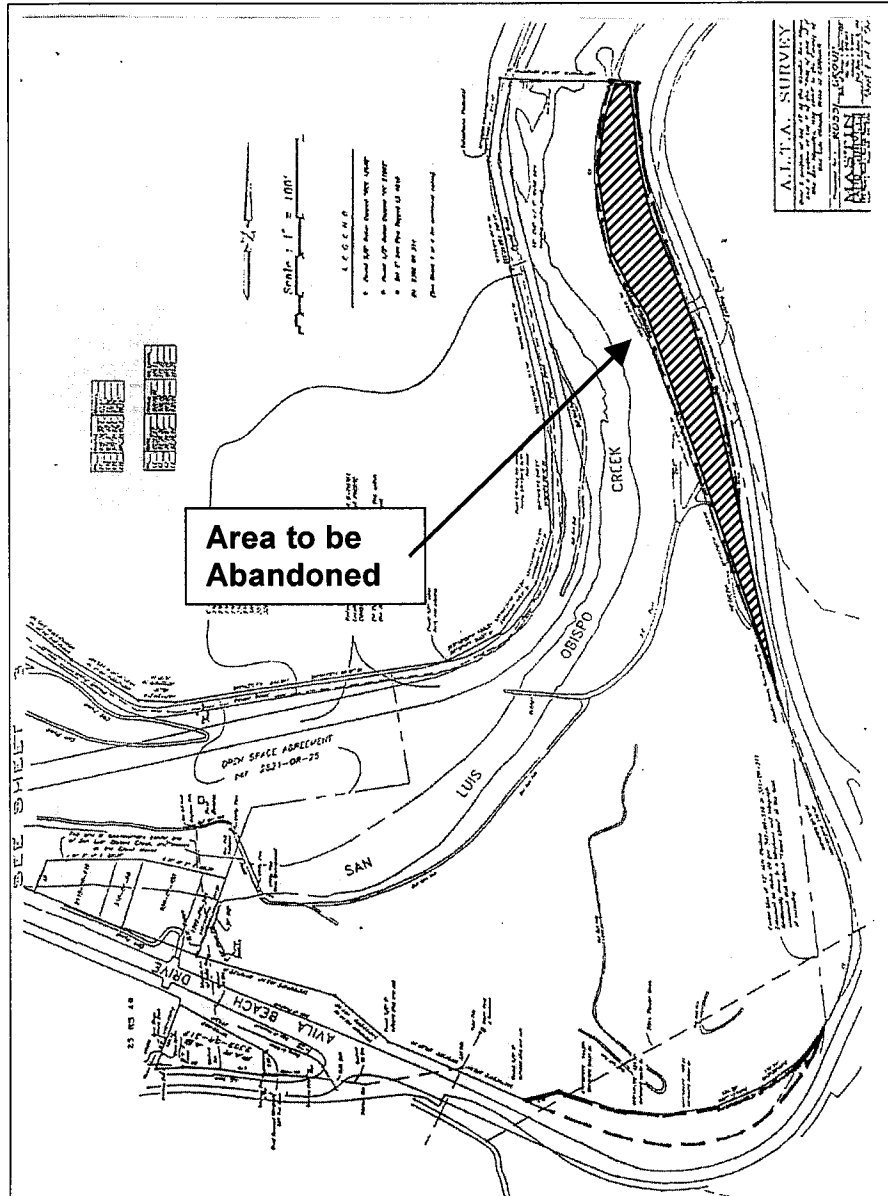
### Exhibit A-1 Area to be Acquired by County





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**Exhibit A-2**  
**Area to be Abandoned by County**



## Attachment 3

### Land Use Category Map



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**Attachment 4  
Aerial Photo**

